

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

EMANUEL BENSON, :
: Plaintiff, : CIVIL ACTION
v. : NO. 1:13-CV-3744-WSD-ECS
: THE STATE OF GEORGIA, et al., :
: Defendants. :

FINAL REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

On November 12, 2013, Plaintiff, proceeding pro se, submitted an application for leave to proceed in forma pauperis, [Doc. 1], accompanied by an Equal Employment Opportunity Commission Right to Sue letter and a list of "grievances." [Doc. 1-1]. On November 22, the undersigned granted Plaintiff's application. [Doc. 2]. With regard to Plaintiff's complaint, however, the relevant allegations were not sufficient for the Court to determine whether the complaint stated a claim for relief. Thus, rather than order service to issue, the undersigned entered an Order striking Plaintiff's complaint and allowing him fourteen (14) days to submit an amended complaint with additional factual allegations. [Id. at 4].¹

¹ The Court observes that, in November 2012, a year before the current application, Plaintiff filed an application to proceed in forma pauperis and an accompanying Title VII complaint form alleging the same discriminatory conduct as alleged in his 2013 claim. See No. 1:12-CV-4112 (Nov. 27, 2012). In the 2012 action, the undersigned granted Plaintiff's application but struck the complaint, ordering him to submit an amended complaint within

Plaintiff did not file an amended complaint within the time frame allowed. Accordingly, because no complaint appears on the docket, the undersigned **RECOMMENDS** that this action be **DISMISSED**.

SO REPORTED AND RECOMMENDED, this 10th day of January, 2014.

s/ E. Clayton Scofield
E. CLAYTON SCOFIELD III
UNITED STATES MAGISTRATE JUDGE

fourteen days. See No. 1:12-CV-4112, [Doc. 2]. Plaintiff failed to comply with the Court's order, and the District Judge adopted the undersigned's recommendation that the action be dismissed. See id., [Doc. 11].